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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,195	06/13/2001	Akihiko Nakatani	35.C15628	4041

5514 7590 06/14/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09-879195

EXAMINER
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20050609

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## Office Action Summary

**Application No.**

09/879,195

**Applicant(s)**

NAKATANI ET AL.

**Examiner**

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of claims 1-11 & 15 in the reply filed on 4/11/05 is acknowledged. The traversal is on the ground(s) that the different groups are so closely related as to not require separate fields of search. This is not found persuasive because Groups II and III recite features relating to line sensor control and image resolution not required for a search of Group I.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12-14 & 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/11/05.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 9, & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al or Ju et al in view of Honma et al.

Re claims 1-2 & 15, Furukawa et al (Abstract; column 2, lines 31-40) or Ju et al (column 1, line 66 - column 2, line 2; column 4, lines 37-63, particularly lines 57-63) disclose image reading devices in which a predetermined pixel region of an original document is read out and stored. The amount of memory required for storing the pixel region is reduced by limiting the size of the pixel region (or, conversely, increased by increasing the size of the pixel region).

Furukawa et al or Ju et al does not disclose specifically changing the size of the pixel region in accordance with the storage capacity of the storage means.

Honma et al discloses (column 11, lines 7-26, particularly lines 12-16) changing the image compression ratio of a pixel region in accordance with the storage capacity of the image storage means.

Re claims 3-5 & 7, Honma et al further discloses (column 1, lines 18-20) that the storage capacity required for storing image data is dependent on the kind of original and reading mode

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(e.g. color or black-and-white) and the image resolution (i.e. number of pixels).

Re claim 9, Honma further discloses (Figure 2C, item S7) an overlap reading operation (which inherently involves adjacent pixel regions, as non-adjacent ones clearly cannot overlap).

Furukawa et al or Ju et al and Honma et al are combinable because they are from the field of image reading and storage

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to change the size of a pixel region in Furukawa et al or Ju et al in order to achieve the same result (controlling the amount of data to be stored in accordance with the capacity of a storage means) as the Honma et al changing of the image compression ratio.

The suggestion/motivation for doing so would have been to avoid storage overflow resulting in failure to complete a data storage operation.

Therefore, it would have been obvious to combine Furukawa et al or Ju et al with Honma et al to obtain the invention as specified in claims 1-5, 7, 9, & 15.

5. Claims 6 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa et al in view of Honma et al.

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Re claim 6, Furukawa et al further discloses (Abstract; column 1, lines 43-46) that the original document is a microfilm (which is produced by a photographic process)

Re claim 8, Furukawa et al further discloses (Figure 1; column 5, lines 45-67) relative movement of the reading means and the original document such that the predetermined pixel region is scanned.

***Allowable Subject Matter***

6. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 10, the art of record does not teach or suggest changing an overlap reading region in accordance with a predetermined pixel region selected on the basis of the storage capacity of a storage means.

Re claim 11, the art of record does not teach or suggest averaging an overlap reading region in conjunction with a predetermined pixel region selected on the basis of the storage capacity of a storage means.

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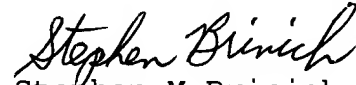
**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

  
Stephen M Brinich  
Examiner  
Art Unit 2624

smb

June 10, 2005